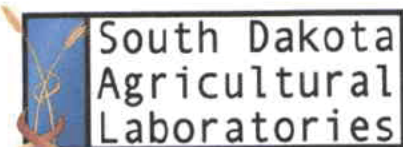


Performed By:



Agricultural and Analytical Testing

SOUTH DAKOTA



DEPARTMENT OF
AGRICULTURE

Collected By:
Division of Agricultural Services
Foss Building 523 E. Capitol
Pierre, SD 57501-3182
Phone: (605) 773-4432
Fax: (605) 773-3481

Report Date: 2017-10-28

Amended Report

Package ID: 20170724-019

South Dakota Agricultural Laboratories have examined the sample of

Product: Plant Leaf Material

Lot Number: 3

Inspector No: 03-JL-18

Collection Date: 2017-07-14

Date Received: 2017-07-27

Laboratory Number: 17R006163

Guarantor:

Agent/Owner:

(b) (6)

Sample Collection
Location: Address above

ANALYTE	FOUND	DETECTION LIMIT	METHOD	DUPLICATE	BLANK	SPIKE REC %
Azoxystrobin	569 ppb	1	LC-MS/MS	17R006160	ND	99.8
Bifenthrin	55.4 ppb	5	LC-MS/MS	17R006160	ND	96
Propiconazole	685 ppb	1	LC-MS/MS	17R006160	ND	107.9

Additional active ingredients found but not requested

ANALYTE	FOUND	DUPLICATE
Pyraclostrobin	0.79 ppb	17R006160 ppb
Trifloxystrobin	11.10 ppb	17R006160 ppb

Comments:

Reviewed By: Regina Wixon, Ph.D.

THE RESULTS OF THIS EXAMINATION WILL BE PUBLISHED AS PROVIDED BY LAW.

89

Performed By:



Agricultural and Analytical Testing

SOUTH DAKOTA



DEPARTMENT OF
AGRICULTURE

Collected By:
Division of Agricultural Services
Foss Building 523 E. Capitol
Pierre, SD 57501-3182
Phone: (605) 773-4432
Fax: (605) 773-3481

Report Date: 2017-10-28

Amended Report

Package ID: 20170724-018

South Dakota Agricultural Laboratories have examined the sample of

Product: Leaf Material trees, grass, clover, garden

Lot Number: 5

Inspector No: 05-JL-18

Collection Date: 2017-07-18

Date Received: 2017-07-27

Laboratory Number: 17R006162

Guarantor:

Agent/Owner:

(b) (6)

Sample Collection
Location: Address listed above.

ANALYTE	FOUND	DETECTION LIMIT	METHOD	DUPLICATE	BLANK	SPIKE REC %
Azoxystrobin	161 ppb	1	LC-MS/MS	17R006160	ND	99.8
Bifenthrin	87.3 ppb	5	LC-MS/MS	17R006160	ND	96
Propiconazole	114 ppb	1	LC-MS/MS	17R006160	ND	107.9

Additional active ingredients found but not requested

ANALYTE	FOUND	DUPLICATE
Pyraclostrobin	2.64 ppb	17R006160 ppb
Trifloxystrobin	1.59 ppb	17R006160 ppb

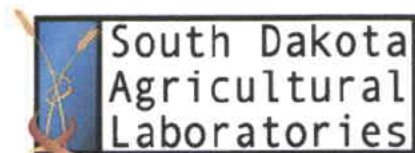
Comments:

Reviewed By: Regina Wixon, Ph.D.

THE RESULTS OF THIS EXAMINATION WILL BE PUBLISHED AS PROVIDED BY LAW.

841

Performed By:



Agricultural and Analytical Testing

SOUTH DAKOTA



Collected By:
Division of Agricultural Services
Foss Building 523 E. Capitol
Pierre, SD 57501-3182
Phone (605) 773-4432
Fax (605) 773-3481

Report Date: 2017-10-28

Amended Report

Package ID: 20170724-017

South Dakota Agricultural Laboratories have examined the sample of

Product: Dead Honey Bees

Lot Number: 8

Inspector No: 08-JL-18

Collection Date: 2017-07-19

Date Received: 2017-07-27

Laboratory Number: 17R006161

Guarantor:

Agent/Owner:

(b) (6)

Sample Collection
Location: Address listed above.

ANALYTE	FOUND	DETECTION LIMIT	METHOD	DUPLICATE	BLANK	SPIKE REC %
Azoxystrobin	895 ppb	1	LC-MS/MS	708	ND	80.9
Bifenthrin	441 ppb	5	LC-MS/MS	17R006160	ND	96
Propiconazole	119 ppb	1	LC-MS/MS	196	ND	116.3

Additional active ingredients found but not requested

ANALYTE	FOUND	DUPLICATE
Trifloxystrobin	8.66 ppb	15.50 ppb

Comments:

Reviewed By: Regina Wixon, Ph.D.

THE RESULTS OF THIS EXAMINATION WILL BE PUBLISHED AS PROVIDED BY LAW.

83

Performed By:



Agricultural and Analytical Testing



Collected By:
Division of Agricultural Services
Foss Building 523 E. Capitol
Pierre, SD 57501-3182
Phone: (605) 773-4432
Fax: (605) 773-3481

Report Date: 2017-10-28

Amended Report

Package ID: 20170724-016

South Dakota Agricultural Laboratories have examined the sample of

Product: Plant Leaf Material

Lot Number: 4

Inspector No: 04-JL-18

Collection Date: 2017-07-18

Date Received: 2017-07-27

Laboratory Number: 17R006160

Guarantor:

Agent/Owner:

(b) (6)

Sample Collection
Location: Address listed above.

ANALYTE	FOUND	DETECTION LIMIT	METHOD	DUPLICATE	BLANK	SPIKE REC %
Azoxystrobin	273 ppb	1	LC-MS/MS	215	ND	99.8
Bifenthrin	119 ppb	5	LC-MS/MS	134	ND	96
Propiconazole	219 ppb	1	LC-MS/MS	183	ND	107.9

Additional active ingredients found but not requested

ANALYTE	FOUND	DUPLICATE
Pyraclostrobin	1.95 ppb	1.78 ppb
Trifloxystrobin	2.89 ppb	2.26 ppb

Comments:

Reviewed By: Regina Wixon, Ph.D.

THE RESULTS OF THIS EXAMINATION WILL BE PUBLISHED AS PROVIDED BY LAW.

82

Performed By:



Collected By:
Division of Agricultural Services
Foss Building 523 E Capitol
Pierre, SD 57501-3182
Phone: (605) 773-4432
Fax: (605) 773-3481

Report Date: 2017-10-28

Final Report

Package ID: 20170724-019

have examined the sample of

Product: Plant Leaf Material

Lot Number: 3

Inspector No: 03-JL-18

Collection Date: 2017-07-14

Date Received: 2017-07-27

Laboratory Number: 17R006163

Guarantor:

Agent/Owner: (b) (6)

Sample Collection
Location: Address above

ANALYTE	FOUND	DETECTION LIMIT	METHOD	DUPLICATE	BLANK	SPIKE REC %
Azoxystrobin	569 ppb	1	LC-MS/MS	17R006160	ND	99.8
Propiconazole	685 ppb	1	LC-MS/MS	17R006160	ND	107.9

Additional active ingredients found but not requested

ANALYTE	FOUND	DUPLICATE
Pyraclostrobin	0.79 ppb	17R006160 ppb
Trifloxystrobin	11.10 ppb	17R006160 ppb

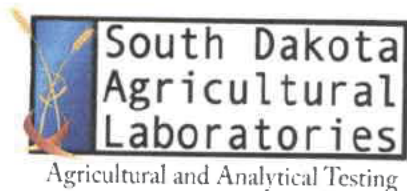
Comments:

Reviewed By: Regina Wixon, Ph.D.

THE RESULTS OF THIS EXAMINATION WILL BE PUBLISHED AS PROVIDED BY LAW.


Secretary, Dept. Of Agriculture

Performed By:



Collected By:
Division of Agricultural Services
Foss Building 523 E. Capitol
Pierre, SD 57501-3182
Phone (605) 773-4432
Fax (605) 773-3481

Report Date: 2017-10-28

Final Report

Package ID: 20170724-016

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Product: Plant Leaf Material

Lot Number: 4

Inspector No: 04-JL-18

Collection Date: 2017-07-18

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Guarantor:

Agent/Owner: (b) (6)

Sample Collection Location: Address listed above.

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Comments:

Reviewed By: Regina Wixon, Ph.D.

THE RESULTS OF THIS EXAMINATION WILL BE PUBLISHED AS PROVIDED BY LAW.

Secretary, Dept. Of Agriculture

80

Performed By:



Agricultural and Analytical Testing



Collected By:
Division of Agricultural Services
Foss Building 523 E. Capitol
Pierre, SD 57501-3182
Phone: (605) 773-4432
Fax: (605) 773-3481

Report Date: 2017-10-28

Final Report

Package ID: 20170724-018

have examined the sample of

Product: Leaf Material trees, grass, clover, garden

Lot Number: 5

Inspector No: 05-JL-18

Collection Date: 2017-07-18

Date Received: 2017-07-27

Laboratory Number: 17R006162

Guarantor:

Agent/Owner: (b) (6)

Sample Collection Location: Address listed above.

ANALYTE	FOUND	DETECTION LIMIT	METHOD	DUPLICATE	BLANK	SPIKE REC %
Azoxystrobin	161 ppb	1	LC-MS/MS	17R006160	ND	99.8
Propiconazole	114 ppb	1	LC-MS/MS	17R006160	ND	107.9

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ANALYTE	FOUND	DUPLICATE
Pyraclostrobin	2.64 ppb	17R006160 ppb
Trifloxystrobin	1.59 ppb	17R006160 ppb

Comments:

Reviewed By: Regina Wixon, Ph.D.

THE RESULTS OF THIS EXAMINATION WILL BE PUBLISHED AS PROVIDED BY LAW.

Secretary, Dept. Of Agriculture

Performed By:



Agricultural and Analytical Testing



Collected By:
Division of Agricultural Services
Foss Building 523 E. Capitol
Pierre, SD 57501-3182
Phone: (605) 773-4432
Fax: (605) 773-3481

Report Date: 2017-10-28

Final Report

Package ID: 20170724-017

have examined the sample of

Product: Dead Honey Bees

Lot Number: 8

Inspector No: 08-JL-18

Collection Date: 2017-07-19

Date Received: 2017-07-27

Laboratory Number: 17R006161

Guarantor:

Agent/Owner: (b) (6)

Sample Collection Location: Address listed above.

ANALYTE	FOUND	DETECTION LIMIT	METHOD	DUPLICATE	BLANK	SPIKE REC %
Azoxystrobin	895 ppb	1	LC-MS/MS	708	ND	80.9
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Additional active ingredients found but not requested

ANALYTE	FOUND	DUPLICATE
Trifloxystrobin	8.66 ppb	15.50 ppb

Comments:

Reviewed By: Regina Wixon, Ph.D.

THE RESULTS OF THIS EXAMINATION WILL BE PUBLISHED AS PROVIDED BY LAW.

A handwritten signature in blue ink, appearing to read "Mike Gaspari".

Secretary, Dept. Of Agriculture

78

RECEIVED

MAY 02 2018

Department of Agriculture

(b) (6)

30 April 2018

Mike Jaspers
South Dakota Department of Agriculture
523 East Capitol Avenue
Pierre, SD 57501-3182

Dear Secretary of Agriculture Mike Jaspers,

Under the **South Dakota Sunshine Law, §1-27-1 et seq.**, I am requesting an opportunity to inspect or obtain copies of public records that contain all the details of the events of the investigation by the Division of Pesticide in the Office of Agronomy Services regarding the complaint filed by Angela Jackson against Crop Care Aerial Spraying LLC in July 2017 and closed in January 2018. Please also include the details of the amounts of any fines that were issued against the operator and any related appeals by the operator.

If there are any fees for searching or copying these records, please inform me if the cost will exceed \$150. However, I would also like to request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to our county's understanding of how chemical trespass cases are handled with regard to organic farming operations in South Dakota. This information is not being sought for commercial purposes.

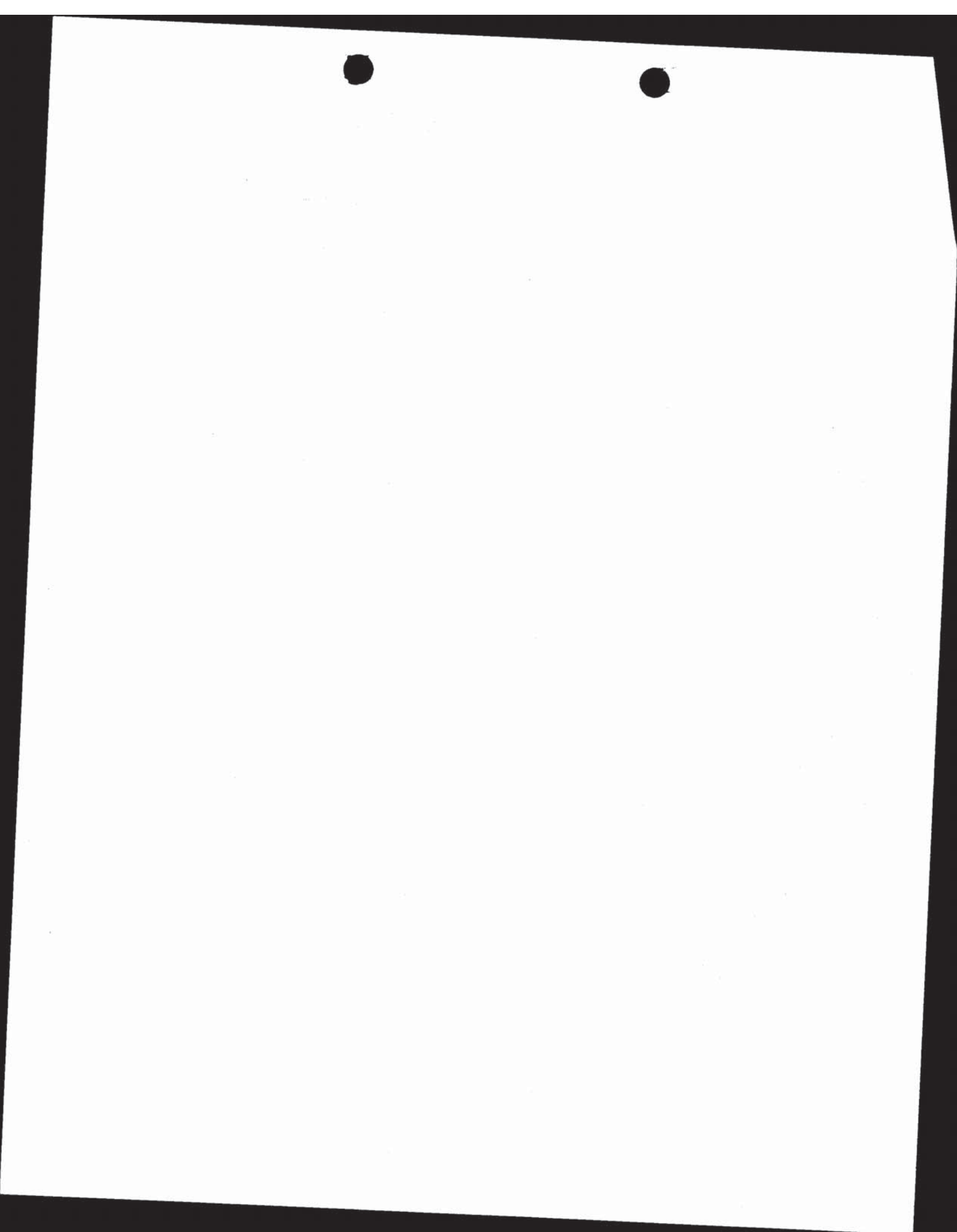
If access to the records I am requesting will take longer than a 'reasonable' amount of time, please contact me with information about when I might expect copies or the ability to inspect the requested records.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering my request.

Sincerely,

(b) (6)





SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

AGRICULTURAL SERVICES DIVISION

523 East Capitol Avenue

Pierre, SD 57501

Phone: 605.773.4432 Fax: 605.773.3481

sdda.sd.gov

January 29, 2018

(b) (6)

Dear (b) (6)

On July 13, 2017, Inspector Jeff Lounsbery was assigned to investigate a complaint filed by you alleging an adjacent aerial application damaged your property.

The department's investigation found that on July 12, 2017, from 5:30 pm to 6:00 pm, Blaine Iverson applied Trivapro (benzovindiflupyr; azoxystrobin; propiconazole) and Brigade 2EC Herbicide (bifenthrin) to the corn field to the south of your property.

In conclusion, the department found that Iverson was making applications 10 feet above the crop canopy in order to fly over the trees located in the middle of the corn field

The department found that a violation of SDCL 38-21-44(2), applying a pesticide inconsistent with the label had occurred.

The department closed this file without further action on January 29, 2018. If you have questions regarding this letter, please contact me at (605) 773-4432.

Sincerely,

J.D. Farley, Ag Program Specialist
Office of Agronomy Services

cc: Tom Gere



SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

AGRICULTURAL SERVICES DIVISION

523 East Capitol Avenue

Pierre, SD 57501

Phone: 605.773.4432 Fax: 605.773.3481

sdda.sd.gov

January 29, 2018

Blaine Iverson

(b) (6)

Dear Mr. Iverson,

Enclosed please find your copy of the signed settlement agreement, along with your receipt #82336 in the amount of \$350.00 dated January 26, 2018.

Please contact me if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink that reads "J.D. Farley". The signature is written in a cursive, flowing style.

J.D. Farley, Ag Program Specialist
Office of Agronomy Services

Cc: Tom Gere

Enclosure: receipt and copy of agreement



SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
AGRICULTURAL SERVICES DIVISION
523 East Capitol Ave
Pierre SD 57501-3182
Phone: 605.773.4432 Fax: 605.773.3481
sdda.sd.gov

RECEIPT

Receipt Number 82336

January 26, 2018

Crop Care Aerial Spraying
46333 Missouri
Burbank SD 57010

Check Number (b) (6)

		Quantity	Fee Amount	Subtotal
Civil Penalties - Pesticide	Blaine Iverson (b) (6)	1	350	\$350.00
Total Amount Received				<u>\$350.00</u>



SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

AGRICULTURAL SERVICES DIVISION

523 East Capitol Avenue

Pierre, SD 57501

Phone: 605.773.4432 Fax: 605.773.3481

sdda.sd.gov

January 10, 2018

Blaine Iverson

(b) (6)

Dear Mr. Iverson,

The South Dakota Department of Agriculture has found that on July 12, 2017, from 5:30 pm to 6:00 pm, you applied Trivapro Fungicide (benzovindiflupyr; azoxystrobin; propiconazole) and Brigade 2EC Herbicide (bifenthrin). We have also found that during that application on July 12, 2017, you were making applications 10 feet above the crop canopy in order to fly over the trees located in the middle of the corn field.

The Trivapro Fungicide label states under the aerial spray directions: release spray at the lowest height consistent with pest control and flight safety. Do not make applications more than 10 feet above the crop canopy.

According to SDCL 38-21-44(2), it is a violation to apply a pesticide inconsistent with the label. Violations of this type are subject to civil penalties of up to \$5000 per offense and/or a Class 2 misdemeanor and/or suspension or revocation of license.

The department is offering to settle the matter with you in this case by way of a signed Settlement and Release Agreement in the amount of \$350.00 to the State of South Dakota.

Enclosed with this letter is a written Settlement and Release Agreement which you may sign and return to me with your check made out to the South Dakota Department of Agriculture, if you are willing to settle this case in this manner. Upon receiving your check and the signed settlement agreement, a receipt and a copy of the settlement agreement will be returned to you.

If you have further information in regard to the findings of our investigation, please present that information. If it is your wish to meet with us, please contact me in order to arrange a time when we can meet here in Pierre or you may submit your written comments.

RECEIVED

JAN 26 2018

U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C.

Page -2—
Iverson
January 9, 2018

This offer will remain open to you until **February 9, 2018**. If you do not submit additional information, or we do not receive your check and the signed settlement agreement by this date, we will assume you are unwilling to settle the case as proposed and will refer the case to the Office of Attorney General to commence a formal legal action for assessment of a civil penalty by the circuit court.

Should you have questions or need an extension of the date, please contact me at 605.773.4432, or by direct correspondence to the address located on the letterhead.

Sincerely,



J.D. Farley, Ag Program Specialist
Office of Agronomy Services

cc: Tom Gere

Enclosure: Settlement and Release Agreement

The undersigned hereby certifies that this letter was sent to the addressee, United States first class mail, on this 10 day of January, 2018.



137 CERN 111

JAN 26 2018

137 CERN 111
137 CERN 111

SETTLEMENT AND RELEASE AGREEMENT

COME NOW, South Dakota Department of Agriculture, Division of Agricultural Services (hereinafter department), and Blaine Iverson 46633 Missouri St Burbank, SD 57010 (hereinafter Iverson), hereby agree as follows:

1. The South Dakota Department of Agriculture has found that on July 12, 2017, from 5:30 pm to 6:00 pm, Iverson applied Trivapro Fungicide (benzovindiflupyr; azoxystrobin; propiconazole) and Brigade 2EC Herbicide (bifenthrin). We have also found that during that application on July 12, 2017, Iverson was making applications 10 feet above the crop canopy in order to fly over the trees located in the middle of the corn field.
2. The Trivapro Fungicide label states under the aerial spray directions: release spray at the lowest height consistent with pest control and flight safety. Do not make applications more than 10 feet above the crop canopy.
3. Pursuant to SDCL 38-21-44(2), it is a violation to apply a pesticide inconsistent with the label.
4. That the department, pursuant to SDCL 38-21-44 has the authority to seek civil penalties from individuals and firms who fail to comply with the pesticide statutes.
5. That Iverson, together with the department, feels it would be in the best interest of both parties to settle this matter as against Iverson is by way of settlement in the amount of \$350.00.
6. That Iverson has forwarded to the department check No. 1136 in the amount of \$350.00 made payable to the South Dakota Department of Agriculture. The department does hereby acknowledge receipt of said check in complete settlement of the potential cause of action against Iverson.

X (b) (6)

Blaine Iverson

(b) (6)

Date: 1-16-18

X Tom Gere

Tom Gere – Assistant Director
Divisions of Agriculture Services
SD Department of Agriculture
523 E Capitol, Foss Building
Pierre, SD 57501-3182

Date: 1-26-18

RECEIVED

JAN 26 2018

Department of Agriculture
Div. of Agriculture



SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

AGRICULTURAL SERVICES DIVISION

523 East Capitol Avenue

Pierre, SD 57501

Phone: 605.773.4432 Fax: 605.773.3481

sdda.sd.gov

January 10, 2018

Blaine Iverson

(b) (6)

Dear Mr. Iverson,

The South Dakota Department of Agriculture has found that on July 12, 2017, from 5:30 pm to 6:00 pm, you applied Trivapro Fungicide (benzovindiflupyr; azoxystrobin; propiconazole) and Brigade 2EC Herbicide (bifenthrin). We have also found that during that application on July 12, 2017, you were making applications 10 feet above the crop canopy in order to fly over the trees located in the middle of the corn field.

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The department is offering to settle the matter with you in this case by way of a signed Settlement and Release Agreement in the amount of \$350.00 to the State of South Dakota.

Enclosed with this letter is a written Settlement and Release Agreement which you may sign and return to me with your check made out to the South Dakota Department of Agriculture, if you are willing to settle this case in this manner. Upon receiving your check and the signed settlement agreement, a receipt and a copy of the settlement agreement will be returned to you.

If you have further information in regard to the findings of our investigation, please present that information. If it is your wish to meet with us, please contact me in order to arrange a time when we can meet here in Pierre or you may submit your written comments.

Page -2—
Iverson
January 9, 2018

This offer will remain open to you until **February 9, 2018**. If you do not submit additional information, or we do not receive your check and the signed settlement agreement by this date, we will assume you are unwilling to settle the case as proposed and will refer the case to the Office of Attorney General to commence a formal legal action for assessment of a civil penalty by the circuit court.

Should you have questions or need an extension of the date, please contact me at 605.773.4432, or by direct correspondence to the address located on the letterhead.

Sincerely,



J.D. Farley, Ag Program Specialist
Office of Agronomy Services

cc: Tom Gere

Enclosure: Settlement and Release Agreement

The undersigned hereby certifies that this letter was sent to the addressee, United States first class mail, on this 10 day of January, 2018.



SETTLEMENT AND RELEASE AGREEMENT

COME NOW, South Dakota Department of Agriculture, Division of Agricultural Services (hereinafter department), and Blaine Iverson (b) (6) (hereinafter Iverson), hereby agree as follows:

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X _____

Blaine Iverson

(b) (6)

X _____

Tom Gere – Assistant Director
Divisions of Agriculture Services
SD Department of Agriculture
523 E Capitol, Foss Building
Pierre, SD 57501-3182

Date: _____

Date: _____

FILE INDEX

Case#17L071316

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(Privileged information - Privilege asserted: Deliberative Process Privilege)